

1 Trevor W. Barrett (SBN 287174)
2 tbarrett@donigerlawfirm.com
3 Frank R. Trechsel (SBN 312199)
4 ftrechsel@donigerlawfirm.com
5 DONIGER / BURROUGHS
6 603 Rose Avenue
7 Venice, California 90291
8 Telephone: (310) 590-1820
9 *Attorneys for Plaintiff*

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

10 UNITED FABRICS INTERNATIONAL,
11 INC., a California corporation,

Case No.:

12 Plaintiff,

13 v.
14
15 PLAINTIFF'S COMPLAINT FOR:

16
17
18
19
20
21
22
23
24
25
26
27
28
SHENHE INTERNATIONAL HOLDING
GROUP CO. LIMITED, a Hong Kong
private limited company d/b/a
“FLOERNS”; ZOETOP BUSINESS CO.,
LTD., a Hong Kong private limited
company; AMAZON.COM, INC., a
Delaware corporation; and DOES 1
through 10,

1. COPYRIGHT
INFRINGEMENT; and
2. VICARIOUS AND/OR
CONTRIBUTORY
COPYRIGHT
INFRINGEMENT

Jury Trial Demanded

Defendants.

1 Plaintiff United Fabrics International, Inc., (“UFI” or “Plaintiff”), by and
2 through its undersigned attorneys, hereby prays to this honorable Court for relief
3 based on the following:

4 **JURISDICTION AND VENUE**

5 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., §
6 101 *et seq.*

7 2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331
8 and 1338 (a) and (b).

9 3. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c) and
10 1400(a) in that this is the judicial district in which a substantial part of the acts and
11 omissions giving rise to the claims occurred. Venue and personal jurisdiction may
12 also be appropriate under Fed. R. Civ. P. 4(k)(2).

13 **PARTIES**

14 4. UFI is a corporation organized and existing under the laws of the State of
15 California with its principal place of business in Los Angeles County.

16 5. Plaintiff is informed and believes and thereon alleges that Defendant
17 Shenhe International Holdings Group Co., Limited, individually and doing business as
18 “Floerns” (“Floerns”), is a Hong Kong private limited company with a principal place
19 of business located at Flat/RM A 12/F, ZJ 300, 300 Lockhart Road, Wan Chai, Hong
20 Kong, and is doing business in and with the State of California and this District. Floerns
21 operates an online storefront on Amazon.com through which it sells products under its
22 alias.

23 6. Defendant Amazon.com, Inc. (“Amazon”) is a Delaware corporation
24 doing business in and with the State of California and this District.

25 7. Upon information and belief, Defendant Zoetop Business Co., Ltd.,
26 (“Zoetop”) is a Hong Kong private limited company that is doing business with the
27 State of California, including through its affiliated location at 757 Alameda St., Ste.
28 340, Los Angeles, CA 90021.

1 8. Plaintiff is informed and believes and thereon alleges that some of
2 Defendants DOES 1 through 3, inclusive, are manufacturers and/or vendors of
3 products to Defendants, which DOE Defendants have manufactured and/or supplied
4 and are manufacturing and/or supplying products bearing fabric manufactured with
5 Plaintiff's copyrighted design (as hereinafter defined) without Plaintiff's knowledge
6 or consent or have contributed to said infringement. The true names, whether
7 corporate, individual or otherwise of Defendants DOES 1-3, inclusive, are presently
8 unknown to Plaintiff, which therefore sues said Defendants by such fictitious names
9 and will seek leave to amend this complaint to show their true names and capacities
10 when same have been ascertained.

11 9. Defendants DOES 4 through 10, inclusive, are other parties not yet
12 identified who have infringed Plaintiff's copyrights, have contributed to the
13 infringement of Plaintiff's copyrights, or have engaged in one or more of the
14 wrongful practices alleged herein. The true names, whether corporate, individual or
15 otherwise, of Defendants DOES 4 through 10, inclusive, are presently unknown to
16 Plaintiff, which therefore sues said Defendants by such fictitious names, and will
17 seek leave to amend this Complaint to show their true names and capacities when
18 same have been ascertained.

19 10. At all times relevant hereto, each of the Defendants was the agent,
20 affiliate, officer, director, manager, principal, alter-ego, and/or employee of the
21 remaining Defendants and was at all times acting within the scope of such agency,
22 affiliation, alter-ego relationship and/or employment; and actively participated in or
23 subsequently ratified and adopted, or both, each and all of the acts or conduct alleged,
24 with full knowledge of all the facts and circumstances, including, but not limited to,
25 full knowledge of each and every violation of Plaintiff's rights and the damages to
26 Plaintiff proximately caused thereby.

27 11. Plaintiff did not know or have reason to know of Defendants' infringing
28 conduct prior to three years before the filing of this Complaint.

CLAIMS RELATED TO DESIGN NO. 8634

12. Prior to the conduct complained of herein, Plaintiff composed an original two-dimensional artwork for purposes of textile printing. It allocated this design the internal design number “8634” (“Subject Design”). This artwork was a creation of Plaintiff and/or Plaintiff’s design team, and is, and at all relevant times was, owned exclusively by Plaintiff.

13. Plaintiff owns a United States Copyright Registration covering the Subject Design.

14. Prior to the acts complained of herein, Plaintiff sampled and sold fabric bearing the Subject Design to numerous parties in the fashion and apparel industries.

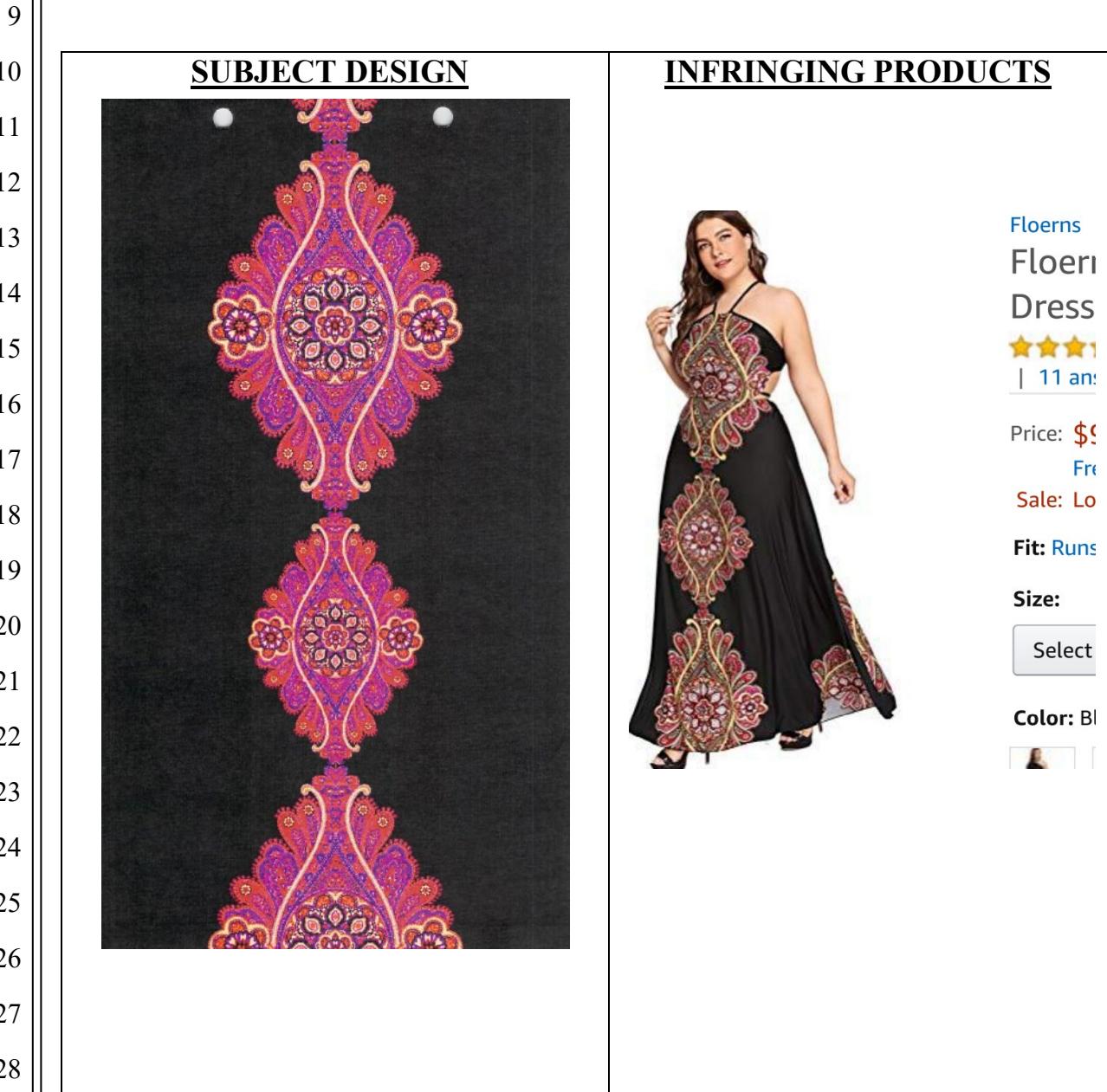
15. Following this distribution of product bearing the Subject Design, Plaintiff's investigation revealed that certain entities within the fashion and apparel industries had misappropriated the Subject Design and were selling products bearing illegal reproductions and/or derivations of the Subject Design.

16. Plaintiff is informed and believes and thereon alleges that, following this distribution of fabric bearing the Subject Design, Floerns, Amazon, Zoetop and certain DOE Defendants (collectively, “Defendants”), created, sold, manufactured, caused to be manufactured, imported and/or distributed fabric and/or products incorporating fabric that bears artwork identical to or substantially similar to the Subject Design (“Infringing Products”). Such Infringing Products include, but are not limited to, the products bearing illicit copies of the Subject Design and listed for sale on <https://www.amazon.com> entitled “Floerns Women’s Sexy Plus Size Maxi Dress Sleeveless Long Party Dress” and “Floerns Women’s Plus Size Bohemian Print Sleeveless Party Maxi Dress Black 1X,” and bearing the Amazon Seller Identification Numbers (“ASINs”) B078H8L66T and B07FJLK2MF, respectively, indicating such products were sold by or for Defendants.

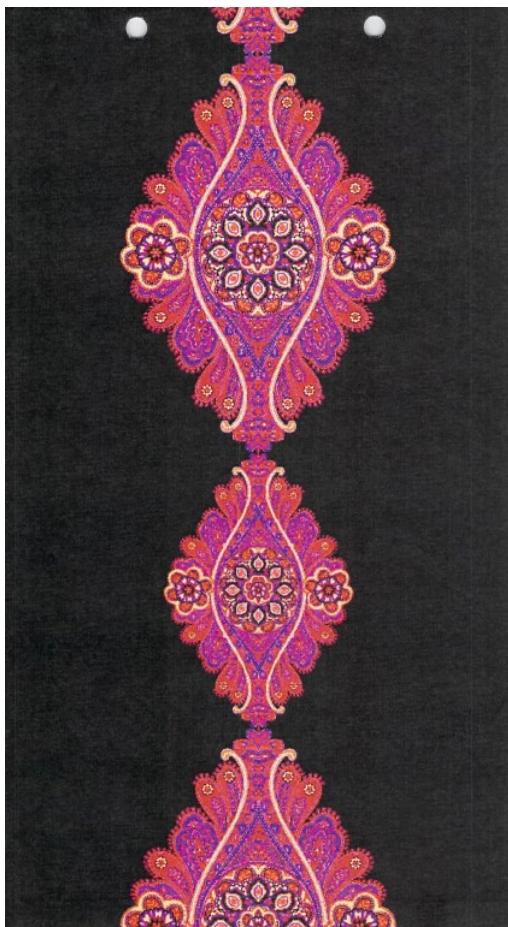
17. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed copyright infringement with actual or constructive

1 knowledge of Plaintiff's rights and/or in blatant disregard for Plaintiff's rights, such
 2 that said acts of copyright infringement were, and continue to be, willful, intentional
 3 and malicious, subjecting Defendants, and each of them, to liability for statutory
 4 damages under Section 504(c)(2) of the Copyright Act in the sum of up to one
 5 hundred fifty thousand dollars (\$150,000) per infringement.

6 18. Below is a comparison of the Subject Design with exemplars of the
 7 Infringing Products; it is apparent that the elements, composition, colors,
 8 arrangement, layout, and appearance of the designs are substantially similar:



1 **SUBJECT DESIGN**



16 Detail

17

18

19

20

21

22

23

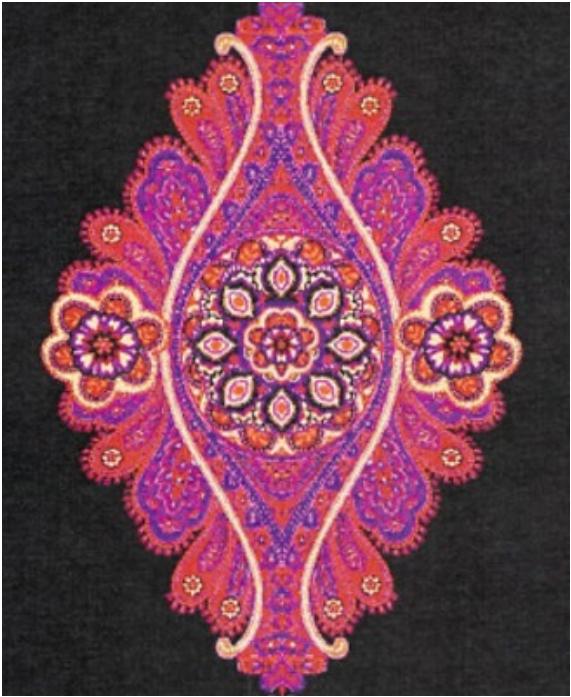
24

25

26

27

28



1 **INFRINGEMENT PRODUCTS**

2 Amazon Fashion Women Men Ki

3 prime war

4 Floerns
Floern
Print S
Black

5 Current
We don't l

6 Report

7 amazon li

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

FIRST CLAIM FOR RELIEF

(For Copyright Infringement – Against All Defendants, and Each)

19. Plaintiff repeats, realleges, and incorporates herein by reference as though fully set forth, the allegations contained in the preceding paragraphs of this Complaint.

20. Defendants, and each of them, had access to the Subject Design, including, without limitation, through (a) access to Plaintiff's design library; (b) access to illegally distributed copies of the Subject Design by third-party vendors and/or Doe Defendants, including without limitation international and/or overseas converters and printing mills; (c) access to Plaintiff's strike-offs and samples; and (d) items manufactured and sold to the public lawfully printed with the Subject Design by Plaintiff for its customers.

21. Plaintiff is informed and believes and thereon alleges that certain Defendants have an ongoing business relationship with Defendant retailers, and each of them, and supplied items to said retailers, which products infringed the Subject Design in that said items featured unauthorized print design(s) that were identical or substantially similar to the Subject Design, or were an illegal derivation or modification thereof.

22. Defendants, and each of them, infringed Plaintiff's copyrights by creating, making, and/or developing directly infringing and/or derivative works from the Subject Design and by producing, distributing and/or selling products which infringe the Subject Design through an online storefront at <https://www.amazon.com>.

23. Due to Defendants' acts of infringement, Plaintiff has suffered substantial damages to its business in an amount to be established at trial.

24. Due to Defendants' acts of infringement, Plaintiff has suffered general and special damages in an amount to be established at trial.

25. Due to Defendants' acts of copyright infringement as alleged herein, Defendants, and each of them, have obtained direct and indirect profits they would

1 not otherwise have realized but for their infringement of the Subject Design. As such,
2 Plaintiff is entitled to disgorgement of Defendants' profits directly and indirectly
3 attributable to Defendants' infringement of Plaintiff's rights in the Subject Design in
4 an amount to be established at trial.

5 26. Plaintiff is informed and believes and thereon alleges that Defendants,
6 and each of them, have committed acts of copyright infringement, as alleged above,
7 which were willful, intentional and malicious, which further subjects Defendants, and
8 each of them, to liability for statutory damages under Section 504(c)(2) of the
9 Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000.00)
10 per infringement. Within the time permitted by law, Plaintiff will make its election
11 between actual damages and statutory damages.

SECOND CLAIM FOR RELIEF

(For Vicarious and/or Contributory Copyright Infringement - Against All Defendants)

15 27. Plaintiff repeats, realleges, and incorporates herein by reference as
16 though fully set forth, the allegations contained in the preceding paragraphs of this
17 Complaint.

18 28. Plaintiff is informed and believes and thereon alleges that Defendants
19 knowingly induced, participated in, aided and abetted in and profited from the illegal
20 reproduction and/or subsequent sales of products featuring the Subject Design alleged
21 herein.

22 29. Defendants, and each of them, are vicariously liable for the infringement
23 alleged herein because they had the right and ability to supervise the infringing
24 conduct and because they had a direct financial interest in the infringing conduct.

25 30. By reason of the Defendants', and each of their, acts of contributory and
26 vicarious infringement as alleged above, Plaintiff has suffered and will continue to
27 suffer substantial damages to its business in an amount to be established at trial, as
28 well as additional general and special damages in an amount to be established at trial.

31. Due to Defendants', and each of their acts of copyright infringement as alleged herein, Defendants, and each of them, have obtained direct and indirect profits they would not otherwise have realized but for their infringement of the Subject Design. As such, Plaintiff is entitled to disgorgement of Defendants' profits directly and indirectly attributable to Defendants' infringement of Plaintiff's rights in the Subject Design, in an amount to be established at trial.

32. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed acts of copyright infringement, as alleged above, which were willful, intentional and malicious, which further subjects Defendants, and each of them, to liability for statutory damages under Section 504(c)(2) of the Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000.00) per infringement. Within the time permitted by law, Plaintiff will make its election between actual damages and statutory damages.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment as follows:

- a. That Defendants, their agents and employees be enjoined from infringing Plaintiff's copyrights in any manner, specifically those for the Subject Design;
 - b. That Plaintiff be awarded all profits of Defendants plus all losses of Plaintiff, plus any other monetary advantage gained by the Defendants through their infringement, the exact sum to be proven at the time of trial, or, if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. § 101 *et seq.*;
 - c. That a trust be imposed over the revenues derived by Defendants, and each of them, through the sales or distribution of the products at issue;
 - d. That Plaintiff be awarded its attorneys' fees as available under the Copyright Act, 17 U.S.C. §§ 505, *et seq.*;

111

- 1 e. That Defendants, and each of them, account to Plaintiff for their profits
- 2 and any damages sustained by Plaintiff arising from the foregoing acts
- 3 of infringement;
- 4 f. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 5 g. That Plaintiff be awarded the costs of this action; and
- 6 h. That Plaintiff be awarded such further legal and equitable relief as the
- 7 Court deems proper.

8 **JURY TRIAL DEMAND**

9 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.
10 38 and the 7th Amendment to the United States Constitution.

11
12 Respectfully submitted,

13
14 Dated: July 24, 2023

15 By:

16 
17 Trevor W. Barrett, Esq.
18 Scott Alan Burroughs, Esq.
19 DONIGER / BURROUGHS
20 Attorneys for Plaintiff
21
22
23
24
25
26
27
28